

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY G. HERBERT,

Plaintiff,

V.

KING COUNTY, et al.,

Defendants.

Case No. C16-380 RSL-BAT

**ORDER GRANTING MOTION TO
CLARIFY AND RE-NOTING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Plaintiff Anthony G. Herbert asks the Court to clarify its Order Re-Noting Defendants' Motion for Summary Judgment. Dkt. 49. In that Order, the Court re-noted the defendants' motion for summary judgment because defendants had mistakenly mailed plaintiff's copy of the summary judgment to plaintiff's previous address. Dkt. 35. To eliminate any potential prejudice to plaintiff, the Court re-noted the motion from March 17, 2017 until March 24, 2017. *Id.* Thus, plaintiff's response date was extended to Friday, March 17, 2017 (if service is made via mail) or Monday, March 20th (if service is made via alternative method). *See LCR 7(d)(3).* Plaintiff takes issue with the fact that he did not receive the Court's re-noting order until a few days before his new response was due and asks for clarification. Dkt 49.

Although plaintiff had already been served with the motion for summary judgment and the re-noting was done as a courtesy to eliminate any potential prejudice to him, the Court finds

1 that another short extension of plaintiff's deadline is warranted to avoid any further confusion.

2 Accordingly, it is **ORDERED**:

3 (1) Plaintiff's motion for clarification is **GRANTED**;

4 (2) The Clerk is directed to **re-note** Defendants' motion for summary judgment for
5 consideration on **Friday, April 21, 2017**. Plaintiff shall file his response to the motion for
6 summary judgment **on or before Friday, April 14, 2017**.

7 (3) The Clerk shall send a copy of this Order to plaintiff and to counsel for
8 defendants.

9 DATED this 30th day of March, 2017.

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12 BRIAN A. TSUCHIDA
United States Magistrate Judge
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